

(1) Petition to Settle First Account Current of Trustee and for (2) Allowance of Fees and Costs to the Trustee and Its Counsel

Age: 12		RONALD DICKEN, PATRICIA DICKEN, KAREN STEELE, and CHRISTOPHER KENNEDY of PERINE & DICKEN PROFESSIONAL FIDUCIARIES & CONSERVATORS, Trustee(s), is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		Account period: 03/01/13 – 02/28/14		1. The accounting shows that the trust received a total of \$7.82 in income (from interest) during the accounting period. The Court may require more information as to why the income is so low and future investment plans, especially in light of the amount of trustee's fees being paid on a monthly basis.	
Cont. from		Accounting - \$120,007.82		2. \$1,731.25 of the trustee's fees are from 07/2012 – 02/2013, before the Trust was established and is mostly for communications with the various attorney's involved in the litigation that produced the settlement funds and in establishing the special needs trust. The Court may require further information as to whether any fees were paid prior to the Trust being established from settlement proceeds.	
	Aff.Sub.Wit.	Beginning POH - \$0.00		3. The Court may require more information as to the appropriateness of the trustee fees in light of the inactivity in the Trust. No disbursements were made and the trust assets appear to be held in interest bearing accounts that required no management. The average monthly fee charged is \$510.46 (averaged over the 9 month accounting period), while the average monthly income was \$0.87 per month.	
✓	Verified	Ending POH - \$114,201.58			
	Inventory	Trustee - \$5,531.25			
	PTC	(44.25 hours @ \$125/hr. (rate authorized by Court). \$4,756.25 has already been paid. Petitioner requests unpaid balance of \$775.00, itemization provided)			
	Not.Cred.				
✓	Notice of Hrg	Attorney - \$2,581.00			
✓	Aff.Mail	(itemized by date for 5.4 attorney hours @ \$235/hr and 2.8 attorney hours @ \$250/hr. and 6.8 paralegal and bookkeeper hours @ \$90/hr.)			
	Aff.Pub.	Attorney Costs - \$156.00			
	Sp.Ntc.	(courtcall appearances)			
	Pers.Serv.	Petitioner requests that bond be reduced from \$134,640 to \$126,000. (OK)			
	Conf. Screen	Petitioner states that Christopher Kennedy resigned from Perine & Dicken and as co-Trustee of the trust on 11/15/13. Petitioner requests acceptance of his resignation and the discharge and exoneration of Mr. Kennedy from any further liability or responsibility as trustee upon the settlement of this account.			
	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order	Petitioner prays for an Order:			
	Aff. Posting	1. Approving, allowing and settling the first account;		Reviewed by: JF	
	Status Rpt	2. Approving the resignation of Christopher Kennedy as co-Trustee and discharge and exonerate him from any further liability or responsibility for the affairs of the Miranda SNT upon the approval of this account;		Reviewed on: 07/31/14	
	UCCJEA	3. Approving the trustee's charges to the Trust of \$5,531.25; and		Updates:	
	Citation	4. Authorizing the attorney's fees and costs in the total amount of \$2,737.00.		Recommendation:	
	FTB Notice			File 1 – Miranda	

Petition for Order Authorizing Settlement of Claim

			<p>J. MICHAEL FARLEY, successor trustee of the MELVIN AND RUTH FARLEY 1999 TRUST, is Petitioner.</p> <p>Petitioner alleges:</p> <p>On or about 6/25/1999, Melvin and Ruth, as co-settlors, entered into a "Trust Agreement for the Melvin and Ruth Farley 1999 Trust," (the "Farley Trust").</p> <p>On 9/27/1999 Melvin died. Ruth died on 11/9/11.</p> <p>On or about 5/29/13, Petitioner filed a "Petition for: 1) Order Directing Transfer of Property to Estate, 2) Resulting Trust, 3) Accounting, 4) Constructive Trust, 5) Cancellation of Deed, and 6) Declaratory Relief ("Contested Petition"). Among other things Petitioner sought to recover a ½ interest in property located at 3051 Carson Ave. in Clovis ("Carson property") for the Farley Trust. Diane Clark ("Respondent") objected to the Contested Petition.</p> <p>Petitioners negotiated in a settlement of the Contested Petition with Respondent at a Mandatory Settlement Conference before the Honorable Robert H. Oliver on 4/21/14. The principal terms are as follows:</p> <p style="padding-left: 40px;">a. Respondent shall pay Petitioner, as trustee of the Farley Trust, the sum of \$20,000.00;</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/24/14. Minute order states the matter is continued for the purpose of having Stephanie and Michael present for a brief voir dire.</p> <ol style="list-style-type: none"> 1. It doesn't appear that Stephanie Clark or Michael Clark, both beneficiaries of the trust, have ever been noticed of these proceedings. The Settlement Agreement states the settlement is on behalf of the Trustee individually and on behalf of the Farley Trust and each of the beneficiaries. Stephanie Clark and Michael Clark should have been noticed of these proceedings. Therefore need proof of service of the Notice of Hearing on Stephanie Clark and Michael Clark. 2. Order does not comply with Local Rule 7.6.1D. The terms of the settlement agreement must be incorporated into the order.
Cont. from 072414				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: KT
Reviewed on: 7/31/14
Updates: 8/4/14
Recommendation:
File 2 – Farley

- b. Petitioner and Respondent, for themselves and their heirs, representatives, beneficiaries, assigns and successors, shall mutually release any and all claims known or unknown, between them, and each of their heirs, representatives, beneficiaries, assigns and successors, all as more specifically set forth in the parties' "Settlement Agreement and Mutual Release of All Claims" (the "Settlement Agreement") attached as Exhibit "A."
- c. Petitioner shall dismiss the Contested Petition with prejudice within 10 day of the entry of an order by this Court approving the settlement and this Petition.
- d. The Settlement Agreement is expressly contingent on entry of an order by this Court approving the settlement and binding all beneficiaries of the Farley Trust to the terms of the Settlement Agreement.

Petitioner believes the settlement is to the advantage of the trust estate and its beneficiaries for the following reasons:

- a. The settlement will avoid the expense and risk of litigation. The Farley Trust has no funds currently. Petitioner must overcome the burden of proof at trial and there is little, if any, direct evidence regarding the discretion exercised by Ruth Farley during her administration of the Farley Trust. Respondent also contends that the relief sought is barred by statute of limitations. These issues could result in an adverse judgment and no recovery to the Farley Trust.
- b. The settlement will allow Petitioner to distribute funds to all the beneficiaries of the Farley Trust, except Respondent and her heirs.

Wherefore Petitioner prays for an Order of the Court:

- A. Approving the settlement and the terms of the Settlement Agreement, including the releases and dismissal, as fair and reasonable under all the facts and circumstances;
- B. Authorizing petitioner to settle the claims against respondent and execute the Settlement Agreement, binding petitioner and his heirs, representatives, beneficiaries, assigns and successors to all the terms of the settlement and releases set forth in the Settlement Agreement;
- C. Determining and declaring that all beneficiaries of the Farley Trust shall be bound by the terms of the Settlement Agreement;
- D. Reliving petitioner from personal liability to anyone interested in the Farley Trust as a result of the Settlement Agreement.

Petition for Determination of Entitlement to Estate Distribution; Request to Participate in Proceeding as Executor; Declarations of Steve Scott, Nicholas Drews, Pamela Nelson, George Nord and Inge Nord

DOD: 10/21/13	NICHOLAS B. DREWS , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	02/25/14	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Petitioner states:

- Decedent's will (the "Will") dated 10/19/13 was admitted to probate on 02/03/14 and Letters Testamentary were issued to Petitioner on 02/25/14. The estate is currently being administered in this Court.
- Petitioner is the sole beneficiary of the Estate under the Will. Petitioner is decedent's step-son. Decedent married Petitioner's mother, Pamela Nelson, in 1992 when Petitioner was in the 8th grade. Although Decedent and Pamela Nelson later divorced, Petitioner's relationship with Decedent continued to be that of father and son. Decedent was an only child, divorced, never remarried, and never had any biological children. Decedent's father died when he was young and his mother, adoptive step-father and all of his grandparents predeceased him.
- Decedent considered Petitioner to be his son and Petitioner's children to be his grandchildren. In a notarized document decedent left in his files, dated 04/01/08, Decedent stated, "Nicholas Drews mother is Pamela Nelson my wife now divorced. I regret not adopting Nick while married to his mother, I still consider him my son." Decedent and Petitioner maintained a loving relationship throughout Decedent's life. Decedent was proud of Petitioner and spoke of him frequently and fondly to his friends and neighbors. Decedent referred to Petitioner as his son, and to Petitioner's children as his grandchildren.

Continued on Page 2

Reviewed by: JF
Reviewed on: 08/01/14
Updates:
Recommendation:
File 3 – Nelson

4. Decedent's Will is holographic and Decedent drafted the Will himself, without the aid of any legal counsel. Because of Decedent's lack of legal training, his intentions were not expressed clearly in his Will and there is an ambiguity which arises from the fact that Decedent named an executor, but not beneficiary in his Will. Decedent intended for Petitioner to be both executor and beneficiary of his Estate, and believed that appointing Petitioner as "executor" meant that not only would Petitioner administer the estate, but would receive the estate as well.
5. Decedent's Will references his mother, Virginia M. Nelson's will ("Virginia's Will") and incorporates provisions of Virginia's Will into his own. Decedent was Virginia's only child, and Virginia left the entirety of her estate to Decedent via the Virginia M. Nelson Trust dated January 29, 1992 and Virginia's Will was a pour-over will. Decedent's Will states, "See will of Virginia M. Nelson and delete Virginia and place my name Patrick M. Nelson in all areas. See Patrick M. Nelson and delete Patrick and place Nicholas B. Drews in all areas." Because Virginia's Will is a pour-over will, it does not name a beneficiary, but rather directs her estate to the Trust and named Decedent as Executor. Decedent was the sole beneficiary of the Trust.
6. Prior to his death, Decedent told his friends and neighbors, as well as Petitioner, that he intended his Estate to go to Petitioner, and that he had expressed his intentions in a will. Decedent made an effort at one point to discuss his estate plan with Petitioner, however, during the visit he fell and ended up in the hospital, preventing the conversation from occurring. Decedent was a Vietnam veteran, and due to PTSD, had a difficult time discussing and dealing with death and related affairs. Decedent also insisted on taking care of his own legal affairs in order to save money, even when he was not fully capable of doing so.
7. Pursuant to Probate Code § 11704(b), Petitioner requests that the Court grant him authorization to participate in this proceeding as executor of the Estate by bringing this Petition before the Court to address the ambiguities in Decedent's estate plan. In order to resolve those ambiguities, Petitioner requests that the Court authorize him to present evidence of Decedent's intent. Petitioner has good cause to participate in this proceeding as executor of Decedent's estate, because he cannot fulfill his role as executor and distribute the estate without a determination of who is entitled to that distribution. **[See Petition for Points & Authorities]**
8. Reading Decedent's Will, Virginia's Will, and the Trust together shows Decedent's intent. Decedent's Will states, "See will of Virginia M. Nelson and delete Virginia and place my name Patrick M. Nelson in all areas. See Patrick M. Nelson and delete Patrick and place Nicholas B. Drews in all areas." Because Decedent received Virginia's entire estate, he assumed that by replacing, in Virginia's Will, Virginia's name with his own and his name with Petitioner's, his estate would go to Petitioner, as Virginia's estate had gone to him. Because Decedent did not understand the legal terminology or how Virginia's estate planning documents operated, and because he received the entirety of Virginia's estate via these documents, he believed that the term "executor", as stated in Virginia's Will, incorporated both roles of executor and beneficiary. Reading the Will, Virginia's Will and the Trust together, the Will effectively makes a gift of Decedent's net estate to Petitioner. If Decedent had intended to solely appoint Petitioner as executor and have his estate flow via intestacy, not only would there have been no good reason to draft and notarize a will, but there would have been no reason to direct that the names be replaced in this way. Reading the documents together comports with both the Probate Code directives that the Decedent's Will is to be interpreted in order to best effectuate the Decedent's intent, and that preference is to be given to an interpretation of an instrument that will prevent intestacy.

Continued on Page 3

9. The reading of the Will further comports with Decedent's actions and statements prior to his death, which indicate intent to leave his estate to Petitioner. Decedent told Petitioner that he intended for Petitioner to serve as Executor, that everything was going to Petitioner, and that he had a will that was clear as to where he wanted the money to go. Decedent told his neighbor George that Petitioner was aware of his wishes for the end of his life, and not to worry because Decedent "had handled it". He mentioned to his neighbor Inge that he was "setting Nick up for the future." Decedent's best friend from childhood, Steve, understood Petitioner to be the beneficiary of Decedent's estate. Decedent liked to shop, particularly through the Home Shopping Network, and he purchased many items for Petitioner and his children. He told his ex-wife Pamela that he ordered things for "Nick and the kids" because, while he had money, he wanted to leave them more than just money, in the form of things he would be remembered by. Decedent told Pamela that his wishes were all in writing, and that "Nick and the kids won't want for anything." All of the assets for which Decedent had named a beneficiary, such as his storage locker and a Merrill Lynch investment account, named Nick as a beneficiary. **[Declarations attached to Petition].**
10. Because the paramount rule in the interpretation of wills is that a will is to be construed according to the intention of the testator, and not his imperfect attempt to express it, and because Decedent's intent that Petitioner should receive his estate can be seen via a reading of the relevant documents, as well as from Decedent's statements and actions before death, the court should direct distribution of Decedent's estate to Petitioner.

Petitioner prays for an Order of the Court as follows:

1. That Nicholas B. Drews may participate in this proceeding as executor of the estate of Patrick Nelson by bringing this Petition and presenting evidence on the issue of the determination of the persons entitled to distribution;
2. If Nicholas B. Drews is not allowed to participate as personal representative, the court find in the alternative that the Petition is properly brought by Nicholas B. Drews, in his individual capacity as a person claiming to be a beneficiary entitled to distribution; and
3. That Nicholas B. Drews is entitled to distribution of the estate of Patrick Nelson.

Atty Burnside, Leigh W., of Dowling Aaron (for Petitioner Christopher R. Huber)
 Atty Noyes, Christopher B., of Georgeson, Belardinelli & Noyes (for [pleading returned])

Petition to Determine Validity of First Amendment to Survivor's Trust Created Under the Huber Living Trust, and to Impose Constructive Trust

H. Ronald DOD: 2010		CHRISTOPHER R. HUBER, son and Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Charlotte DOD: 1/26/2014			
Cont. from		Petitioner states: <ul style="list-style-type: none"> On 1/6/2000, CHARLOTTE M. HUBER, and her husband, H. RONALD HUBER, Co-Settlers, executed the HUBER LIVING TRUST, and executed a First Amendment on 5/1/2001 (copies of trust and amendment attached as Exhibits A and B); Pursuant to Trust and First Amendment terms, the corpus was intended to be split between a revocable SURVIVOR'S TRUST and an irrevocable FAMILY TRUST upon the death of the first spouse; on the death of the surviving spouse, if he or she had not exercised his or her power of appointment over the SURVIVOR'S TRUST assets, whatever assets remain in the SURVIVOR'S TRUST were to pour into the FAMILY TRUST and be distributed according to the terms of the Trust governing the FAMILY TRUST; Under the terms of the amended Trust, upon the death of the surviving spouse the assets of the FAMILY TRUST were to be distributed to Co-Settlor's 3 children in the following proportions: 40% to MARCIA J. BIMAT; 40% to RONDA L. SPIRES; and 20% to CHRISTOPHER R. HUBER (Petitioner); Co-Settlers served as initial Co-Trustees; upon the death of Mr. Huber in 2010, Charlotte ("Decedent") became sole successor trustee; upon the death of Decedent, Marcia and Ronda would act as successor co-trustees; Sometime following the death of Mr. Huber, Decedent allocated the Trust assets between the SURVIVOR'S TRUST and the FAMILY TRUST; Petitioner does not know whether any of the Trust assets were segregated between the 2 sub-trusts or re-titled to reflect their allocation to sub-trusts; <p align="center">~Please see additional page~</p>	<p>1. Need proposed order pursuant to Local Rule 7.1 which provides a proposed order shall be submitted with all pleadings that request relief.</p> <p>Note: Attempt was made to file via Court drop box a Response to Petition to Determine Validity of First Amendment to Survivor's Trust, etc., by Attorney Christopher Noyes; however, the clerk had to return the response on 8/4/2014 for lack of the required filing fee.</p>
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			<p>Reviewed by: LEG</p> <p>Reviewed on: 8/1/14</p> <p>Updates: 8/4/14</p> <p>Recommendation:</p> <p>File 4 – Huber</p>

Petitioner states, continued:

- On 2/14/2013, as sole successor trustee and lifetime beneficiary of the **SURVIVOR'S TRUST**, Decedent allegedly executed a First Amendment to the **SURVIVOR'S TRUST**, which is the subject of the instant petition (*copy of First Amendment to Survivor's Trust attached as Exhibit C*);
- Pursuant to the terms of the First Amendment to the **SURVIVOR'S TRUST**, Decedent purportedly disinherited Petitioner from the **SURVIVOR'S TRUST**, leaving the residue of the trust in equal shares to Marcia and Ronda;
- Marcia, who resides in Clovis, and Ronda, who resides in Mission Viejo, were nominated to serve as successor co-trustees of the Trust; pursuant to a notice served on Petitioner by counsel for Marcia, Attorney Michael Buettner, the principal place of administration of the Trust is both Fresno County and Orange County; for purposes of this Petition, the principal place of administration of the Trust is Fresno and as such, venue of this proceeding is proper in this Court;

Contest of the First Amendment: Petitioner challenges the validity of the First Amendment to the **SURVIVOR'S TRUST** on the basis of undue influence exerted over Decedent by Marcia and by **PAMELA RIDDELL** (Pam), who is believed to have been an acquaintance, associate, and/or agent of Marcia;

- Pam was at all times alleged herein an employee of **AMERIPRISE FINANCIAL**;
- For most of her life, Decedent was independent and enjoyed good health; following the death of Mr. Huber in 2010, Decedent lived alone in Laguna Hills at Leisure World;
- Prior to and after Mr. Huber's death in 2010, the Trust assets were invested and supervised by **RAYMOND JAMES** and **RORY HUBER**, a close family member and financial planner who resides in Des Moines, Iowa;
- With the guidance of Raymond James and Rory Huber, the Trust's investments consisted of a blend of blue-chip stocks, mutual funds, bonds and income-producing vehicles appropriate for Decedent, a woman in her mid-80's;
- Petitioner believes these investments produced a substantial income stream for Decedent, which was more than sufficient to meet her needs;
- In ~2012, Marcia introduced Decedent to Pam, who was then employed by or working on behalf of Ameriprise Financial; Marcia and Pam were both devout members of the Baptist Church and shared similar religious interests and beliefs;
- Pam and Marcia began suggesting to Decedent that Decedent move the Trust's investments to Pam and Ameriprise Financial, and that Decedent invest some of her assets in a religious bond fund associated with the Baptist religion;
- On at least one occasion, both Pam and Marcia, together, met with Decedent at Marcia's home to discuss financial planning;
- In January 2013, Decedent suffered an accident and broke her wrist, and her range of motion became impaired; Petitioner believes Decedent was prescribed and administered medication for pain that affected her cognitive functioning and decision-making ability;
- At or around this time, both Marcia and Pam became increasingly involved in Decedent's personal and financial affairs, insisting that Decedent travel to Fresno for visits and pressuring Decedent to make changes to her investment portfolio and to her estate planning documents;
- Shortly thereafter, at the insistence of Pam and Marcia, Decedent, who was at no point a member of any Baptist Church, invested **\$30,000.00** in Church Bonds offered by **GOLD STAR TRUST COMPANY** for the assistance of the Baptist Church; Petitioner believes that these bonds are now worthless;

~Please see additional page~

Petitioner states, continued:

- Additionally, shortly after Decedent's purchase of the Church bonds, Marcia traveled to Decedent's home in Laguna Hills and drove her to Clovis;
- On 2/14/2013, while staying with Marcia at her home in Clovis, Decedent, with her wrist still broken, purportedly executed the First Amendment to the **SURVIVOR'S TRUST**, disinheriting Petitioner, her only son; the document was notarized by an acquaintance of Pam and Marcia, who was also a member of their church;
- During that visit in Clovis or shortly thereafter, Marcia and Pam persuaded Decedent to move all of her investments to Ameriprise Financial to be managed by Pam; Pam completely restructured the Trust's investment portfolio, sold the majority of the assets in the portfolio, and purchased high-growth-oriented investments that resulted in substantial fees and commissions for Pam;
- The stated purpose of the reconstructed portfolio was to generate a conservative amount of income;
- Additionally, Pam and Marcia persuaded Decedent to establish one or more individual retirement accounts and to name Marcia as the sole primary beneficiary;
- Pam has no college education and has minimal experience in the industry;
- After Decedent's death, Marcia volunteered to arrange Decedent's funeral on behalf of the family; however, there was no funeral and no memorial service; rather, Pam had Decedent cremated and her remains buried; no family members were invited to participate in the interment.

Undue Influence

- Petitioner contends that Pam and Marcia exerted undue influence over Decedent in order to procure the First Amendment to the **SURVIVOR'S TRUST**, generate commissions on the sale of stocks, and establish IRAs for the sole benefit of Marcia;
- At all times relevant herein, both Pam and Marcia enjoyed confidential, fiduciary relationships with Decedent;
- Marcia was in constant contact with Decedent, consulting with an assisting Decedent with her personal and financial affairs, and Pam provided financial and estate planning advice to Decedent, ultimately taking over Decedent's investment portfolio and consulting on matters pertaining to the administration of the Trust;
- Through constant badgering and persistence, both Marcia and Pam eventually began to assert control over Decedent, her personal and financial affairs, and the assets of the Trust;
- At all times relevant herein, Decedent was aged and suffering from declining health; as a result of such conditions, including her injury in January 2013, Decedent was easily influenced and controlled by Marcia and Pam;
- Due to this control, Maria and Pam convinced and unduly influenced Decedent to change the **SURVIVOR'S TRUST** to disinherit Petitioner and to increase Marcia's beneficial share of the Trust;
- Marcia and Pam cajoled and convinced Decedent, an 86-year old woman, into traveling to Clovis, many miles away from her home in Laguna Hills, to execute the First Amendment to the **SURVIVOR'S TRUST**; apart from Marcia's residence there, Decedent had no ties or connections to Clovis;
- Pam and Marcia actively procured the purposed First Amendment to the **SURVIVOR'S TRUST** as part of a pattern of conduct aimed at gaining control of Decedent's major assets;
- By disinheriting Petitioner from the **SURVIVOR'S TRUST**, the First Amendment increased Marcia's distributive share of the **SURVIVOR'S TRUST** by 10%;

~Please see additional page~

Petitioner states, continued:

- Also due to their control and undue influence, Marcia and Pam convinced Decedent to establish no fewer than 2 IRAs and to designate Marcia as the sole primary beneficiary of each account;
- Had Marcia and Pam not done so, the assets that funded the IRAs would have remained in the Trust and been distributed according to the Trust terms, including a **20%** beneficial interest to Petitioner;
- In additional, Pam was able to take control of Decedent's investment portfolio as a result of her influence;
- By liquidating and then re-investing Decedent's portfolio, Pam generated significant income for herself through commissions and fees; Marcia actively assisted Pam with these efforts, all to the detriment of Decedent and the Trust estate;
- The disposition of the **SURVIVOR'S TRUST** as provided in the purported First Amendment to the **SURVIVOR'S TRUST** confers an undue benefit on Marcia;
- Decedent had always intended that part of her estate be distributed to Petitioner, her only son, after her death;
- Marcia and Pam "moved in" on Decedent, taking greater control over her affairs;
- By virtue of Marcia's and Pam's exertion of undue influence over Decedent, Respondents Marcia Bimat and Ronda Spires hold title to all assets of the **SURVIVOR'S TRUST**, as well as all income therefrom, as constructive trustee for the benefit of all persons entitled to distribution, including Petitioner as to a **20%** share;
- Further, by virtue of Marcia's and Pam's exertion of undue influence over Decedent, Respondent Marcia holds title to all assets of the IRAs, as well as all income therefrom, for the benefit of all persons entitled to distribution of the **SURVIVOR'S TRUST**, including Petitioner.

Petitioner prays for an Order of this Court:

1. Finding the purported First Amendment to the **SURVIVOR'S TRUST** void due to the undue influence of Marcia J. Bimat and Pamela Ridell;
2. Finding the assets of the IRAs established by Decedent in 2013 to be assets of the Trust;
3. Declaring that Respondents Marcia J. Bimat and Ronda L. Spires hold the assets of the **SURVIVOR'S TRUST** in trust for the persons entitled to distribution, including Petitioner as to a **20%** share;
4. Declaring that Respondent Marcia J. Bimat holds the assets of the IRAs in trust for the persons entitled to distribution, including Petitioner as to a **20%** share;
5. Compelling Respondent Marcia J. Bimat to account for Decedent's assets, including changes in her investments and the investments of the Trust, for the period of 1/1/2013 to the present;
6. Permitting Petitioner to seek reimbursement from the Trust for attorney's fees incurred as a result of bringing the instant petition; and
7. Awarding Petitioner his costs incurred herein.

Petition to Determine Succession to Real Property (Prob. C. 13151)

[illegible]

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 02/21/2011	MARGARET A. MILLER , spouse/named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note: If the petition is granted status hearings will be set as follows:</u> •Tuesday, 01/06/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Tuesday, 09/08/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Full IAEA – o.k.	
	Will dated: 11/22/2005	
Cont. from	Residence: Sanger Publication: The Business Journal	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 08/01/2014
		Updates:
		Recommendation: Submitted
		File 6 – Miller

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 02/10/2014		MICHAEL FREELY , cousin/named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Proposed personal representative is a resident of Delaware. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court. 2. Petition states that the petitioner has been unable to find the original Will itself, but provides a copy. It appears that the petitioner may be requesting Probate of a "Lost Will". Pursuant to California Rule of Court 7.102 the title of each pleading and of each proposed order must clearly and completely identify the nature of the relief sought or granted. 3. Probate Code §6124 states if the testator's will was last in the testator's possession, the testator was competent until death, and neither the will nor a duplicate original of the will can be found after the testator's death, it is presumed that the testator destroyed the will with intent to revoke it. This presumption is a presumption affecting the burden of producing evidence. Petitioner has not provided anything to rebut the presumption that the will was not destroyed with the intent to revoke. <p align="center"><u>Please see additional page</u></p>
		Petitioner is a resident of Milton, Delaware.	
Cont. from		Will dated: 02/06/1997 Codicil: 01/26/2009	
<input type="checkbox"/>	Aff.Sub.Wit.	s/p	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/o	
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LV
			Reviewed on: 08/01/2014
			Updates:
			Recommendation:
			File 7 – Pelletier

Note: If the petition is granted status hearings will be set as follows:

- **Tuesday, 01/06/2015 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Tuesday, 09/08/2015 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

8A

Former Status Report of Randolph Krbechek filed on 11/14/13 states he has met with Mr. Hine several times since the last hearing. Mr. Hine reports that he has completed most of the tasks to close the estate. The home is listed for sale and is in good, saleable condition. It is anticipated that they will be receiving offers in the foreseeable future. Sale of the real property must be confirmed by the court.

Order Confirming Sale of Real Property was signed on 4/22/14.

Declaration of Randolph Krbechek filed on 7/30/14 states he is unable to attend the status hearing set for 8/5/14 because he is required to be in Redwood City at the same time for the final Pre-Trial Conference in a pending superior court action. The trial in the San Mateo case is set to commence on 8/11/14. Mr. Krbechek respectfully requests the court continue the hearing on this matter to the next available date.

Probate Status Hearing Re: Filing Blocked Account Receipt

DOD: 7/29/2010	FRANK SCOTT HINE was appointed Administrator with Full IAEA and bond set at \$118,260.00 on 1/5/2011.	NEEDS/PROBLEMS/COMMENTS:
		Continued from 6/3/14. Minute order states declaration filed by counsel yesterday. There is no record in the court's case management system of any declaration being filed between the hearing on 4/22/14 and 6/3/14.
Cont. from 060314	Minute order dated 6/15/2012 states the court orders bond set at \$45,000.00 and Limited IAEA authority.	<p>2. Need Receipt for Blocked Account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Aff.Sub.Wit.	Bond of \$45,000.00 filed on 8/10/12.	
Verified	Letters issued 10/24/12.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	On 4/22/14 the court signed an Order Confirming Sale of Real Property. The Order required the proceeds from the sale be placed into a blocked account. This status hearing was set for the filing of the Receipt for Blocked Account.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Declaration of Randolph Krbechek filed on 7/30/14 states he is unable to attend the status hearing set for 8/5/14 because he is required to be in Redwood City at the same time for the final Pre-Trial Conference in a pending superior court action. The trial in the San Mateo case is set to commence on 8/11/14. Mr. Krbechek respectfully requests the court continue the hearing on this matter to the next available date.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/31/14
		Updates: 8/4/14
		Recommendation:
		File 8B – Hine

8B

DOD: 5-9-11		<p>MAGDALENA MANCILLA was appointed Administrator with Full IAEA without bond on 11-29-11.</p> <p>The Administrator failed to appear for two status hearings on 1-24-13 and 2-22-13, and on 2-22-13, Ms. Mancilla was removed and the FRESNO COUNTY PUBLIC ADMINISTRATOR was appointed as Successor Administrator with full IAEA. Letters issued on 3-6-13.</p> <p>At hearing on 2-22-13, the Court set this hearing for status.</p> <p>Status Report filed 4-9-13 states the real property in Sanger is in foreclosure because there were no estate assets to pay the mortgage. There is the possibility of money coming into the estate from a civil lawsuit, <i>Analilia Anguiano v. Suzette Ihara</i> (Fresno Superior Court Case Number 11CECG01428). It is a physical injury/property damage lawsuit. On 3-19-13, a stipulation and order was filed in the civil matter to continue the trial to 4-21-2014, with mandatory settlement conference set for 3-26-14 and trial readiness hearing on 4-18-14. Therefore, the possibility of any funds coming into the estate soon is improbable. Public Administrator states the estate is not in a position to be settled and requests that further status hearing be set at least nine (9) months from the date of this hearing.</p> <p>Status Report filed 1-17-14 states the real property remains in the foreclosure process. As previously reported, there remains the possibility of money coming into the estate from a civil lawsuit. Settlement conference has been set for 3-26-14 and trial readiness for 4-18-14. The possibility of any funds coming into the estate until after the trial on 4-21-14 is improbably Public Administrator requests the next status hearing be set at least nine months from today's hearing date.</p> <p>Status Report filed 3-12-14 states the Public Administrator previously requested continuance of seven months due to the pending civil litigation. The Court instead set status for two months later. At this time, the Public Administrator is advised that a settlement has been reached but there cannot be a signed agreement until they have a final Medi-Cal statement. They expect that within 30 days. Public Administrator requests that the next status hearing not be set before June 6, 2014.</p> <p>Status Report filed 7-29-14 states it was discovered that a creditor's claim needed to be partially rejected. Because the creditor will have 30 days to appeal the rejection, additional time is needed. Petitioner requests the next hearing be set on or after 9-19-14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need amended Inventory and Appraisal pursuant to Probate Code §8900 et seq. Need petition for final distribution pursuant to Probate Code §12200. <p>Note: Inventory and Appraisal filed 11-1-11 by the former Administrator indicated a total estate value of \$140,000.00, which consisted of real property valued at \$65,000.00 and a pending personal injury lawsuit valued at \$75,000.00. <u>However</u>, the value of the pending lawsuit was provided by the Administrator rather than the Probate Referee.</p> <p>Note: The decedent left a spouse and five adult children, including the former Administrator, Ms. Mancilla. Ms. Mancilla's original petition listed all relatives at the same address (the decedent's former residence), and all notices were sent to this address.</p> <p>Note: A creditor has 90 days, not 30, to act on a rejected claim.</p>
Cont. from 041213, 011714 032114, 060614			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input checked="" type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

		ROGER DAY , son, was appointed Executor with full IAEA authority with bond set at \$85,000.00 on 10/19/2013.	NEEDS/PROBLEMS/COMMENTS:
		Letters issued 01/14/2013.	
Cont. from 041814, 060614		Inventory & Appraisal filed 03/08/2013 shows an estate valued at \$235,148.00 consisting of real property.	Minute Order of 04/18/2014: The Court notes that the bond has been posted and the minute order of 10/19/2012 shows Dale G. Mell as the executor. Dale G. Mell is ordered to be personally present on 06/06/2014 if the required documents have not been filed.
Aff.Sub.Wit.		Minute Order of 10/19/2013 set this matter for hearing.	
Verified		Former Status Report filed 06/02/2014 the most recent hearing on this matter was on 04/18/2014. Attorney informed the Court, he has a solid working draft of the petition for final distribution. Bank records necessary to complete the petition were subpoenaed on 04/28/2014. The subpoena requested production of the bank records by 05/23/2014. The bank has communicated that they are assembling the documents and should be able to produce them on or about 06/06/2014. With this information the schedules on the petition for final distribution can be completed. Based on the forgoing a 30 day continuance of the Status Hearing is requested in order to complete and file the petition for final distribution.	Copy of Minute Order mailed to Dale G. Mell on 04/18/2014.
Inventory			
PTC		1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.	
Not.Cred.			
Notice of Hrg		Declaration of Randolph Krbechek filed 08/05/2014 states he cannot attend the hearing set for 08/05/2014 because he is required to be in Redwood City at the same time for the final Pre-Trial conference in a pending superior court action. The trial in San Mateo case is set to commence on 08/11/2014. Based thereon, it is respectfully requested that the court continue the hearing on this matter to its next available date.	Reviewed by: LV
Aff.Mail			
Aff.Pub.		Reviewed on: 08/01/2014	
Sp.Ntc.			
Pers.Serv.		Updates:	
Conf. Screen		Recommendation:	
Letters		File 10 – Mell	
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

			<p>CAROLYN LEIGH CARR, Sister, is Petitioner and requests appointment as Successor Conservator of the Person with medical consent powers.</p> <p>Voting rights affected</p> <p>A Capacity Declaration was filed 7-2-14.</p> <p>Petitioner states the Conservatee suffers from mental retardation and does not possess the skills required to live independently.</p> <p>Court Investigator Charlotte Bien filed a report on 7-22-14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 7-21-14</p> <p>Voting rights affected</p> <p>- Need minute order</p>
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			<p>Reviewed by: skc</p> <p>Reviewed on: 8-1-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Mitchell</p>	

DOD: 12/24/2004	PAMELA GAY LASSLEY , Executor, is petitioner.		NEEDS/PROBLEMS/COMMENTS: 1. Petitioner was formerly represented by Attorney Dorsey Dwelle. Attorney Dwelle is now deceased. His estate would be entitled to a portion of the statutory attorney fees. – Declaration of Petitioner states Mr. Dwelle was a family member and was waiving his fees. 2. Will distributes the estate equally to the decedent's four children with the share of the estate going to Richard Sharrah being placed into trust for his benefit. The proposed distribution does not distribute the remaining property equally to each beneficiary. Three of the children are to receive 38,881.79 each and the trust for the benefit of Richard is to receive \$33,381.79. Each beneficiary, including the trust for the benefit of Richard, should be receiving \$37,506.79. – Declaration of Petitioner states Richard Smith received an additional \$5,000.00 from an account that was not included in the probate proceedings. Note: Accounts outside of probate have no bearing on this proceeding and therefore distribution should be equal as designated in the decedent's will. 3. Petition and proposed order do not include the terms of the trust in its entirety. – Declaration includes a portion of the terms of the trust but fails to include the section regarding the Trustee of the Trust. 4. Order does not comply with Local Rule 7.6.1
Cont. from 061714			
<input type="checkbox"/> Aff.Sub.Wit.	Executor	- waives	
<input checked="" type="checkbox"/> Verified	Attorney	- ???	
<input type="checkbox"/> Inventory		X	
<input type="checkbox"/> PTC		X	
<input checked="" type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail		W/	
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters		6/7/05	
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input checked="" type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice	N/A		

Petition for Visitation

		MARY A. HOLGUIN , Paternal Grandmother of Gabriel and Isaiah, is Petitioner. YOLANDA OLIVAS , Maternal Grandmother, was appointed Guardian of these minors and their half-siblings on 2-22-11. Father: Gabriel Garcia Mother: Esperanza Diaz Petitioner states she would like to visit with her grandchildren Gabriel and Isaiah Garcia. She would like to know them, see them, visit with them. She wants them to know her side of the family. At the hearing on 6-30-14, the matter was continued to 8-5-14 and the parties were also referred to mediation.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 6-30-14</u> <u>As of 7-30-14, the following issues remain.</u> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on the Guardian, Yolanda Olivas. 3. The Court may also require notice to the other family members, including the parents and siblings if age 12 or older. Note: Petitioner filed a “Proof of Service” indicating that the guardian was served with the mediation referral for mediation on 7-14-14; however, it does not appear that she has been served with Notice of Hearing, and nothing else has been filed. It is unclear if the parties participated in mediation or what was the outcome.
Cont. from 063014			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc Reviewed on: 6-25-14 Updates: Recommendation: File 13 – Diaz, Alvarez, Lopez & Garcia

14 Aleyna Gonzales & Amelia Gonzales (GUARD/P) Case No. 11CEPR00835

Atty Gonzales, Andy R. (pro per – paternal uncle/Guardian)

Atty Gonzales, Rebecca (pro per – paternal aunt/Guardian)

Atty Gonzales, Larry R. (pro per – father/Petitioner)

Petition for Termination of Guardianship

Aleyna, 17		<p>LARRY R. GONZALES, father, is Petitioner.</p> <p>ANDY GONZALEZ and REBECCA GONZALES, paternal uncle and aunt, were appointed Co-Guardians of the Person on 01/26/12. – <i>Rebecca Gonzales personally served on 01/16/14</i></p> <p>Mother: TAMMY L. GONZALES</p> <p>Paternal grandfather: ASCENCION GONZALES – deceased Paternal grandmother: LUPE YBARRA</p> <p>Maternal grandfather: JULIO CRUZ Maternal grandmother: CAROL CRUZ – deceased</p> <p>Petitioner states that after 2.5 years, he is now stabilized and drug free. He states that he is now able to care for his children and wants them back.</p> <p>Objection to Termination of Guardianship filed 03/04/14 by guardians, Rebecca and Andy Gonzales, states: They have recently found out that the father, Larry Gonzales, Sr. has had recent DUI's and is currently on probation that will not be completed until August 2015. Further, he is to attend court required classes. They are also aware that he is not to be driving, but they see him driving regularly. Guardians state that Mr. Gonzales has lied to the girls and told them that he has been sober for 2.5 years and they believe him. Guardians would like the court to clarify for the girls that their father has not been honest about his sobriety as evidenced by the DUI's. Further, the guardians state that the father did not follow through on his scheduled visitation and has only exercised visitation about half of the time that he is allotted.</p> <p>Court Investigator Jennifer Young filed a report on 03/12/14.</p> <p style="text-align: center;">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 06/10/14 Minute Order from 06/10/14 states: Also present in the courtroom are Amelia Gonzalez and Aleyna Gonzalez. The Court amends the visitation order to reflect that there will be unsupervised visitation with father as agreed upon by the parties. The Court anticipates that the minors will be spending some, or all of their summer break with their father. The Court investigator is ordered to prepare an updated report before the next hearing.</p> <p>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition to Terminate Guardianship</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:</p> <ul style="list-style-type: none"> a. Andy Gonzalez (guardian) b. Tammy L. Gonzales (mother) c. Lupe Ybarra (paternal grandmother) d. Julio Cruz (maternal grandfather) 	
Amelia, 14				
Cont. from 061014				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/ Supp			
<input checked="" type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 07/31/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 – Gonzales</p>		

Court Investigator Jennifer Young filed a supplemental report on 06/03/14.

Declaration of Rebecca Gonzalez (Guardian) filed 07/10/14 states: That since the last hearing, the father Larry Gonzalez, Sr., was arrested on federal charges of selling illegal contraband (counterfeit sunglasses) and has a hearing in Federal Court in September 2014. Therefore, the guardians request that the guardianship stay intact pending the outcome of the father's charges.

Court Investigator Jennifer Young filed a supplemental report on 07/22/14.

DOD: 11-10-13		ERNEST and CHRISTINE ESCOBEDO , parents, are Petitioners and request appointment as Co-Administrators with Limited IAEA with bond of \$12,500.00.	NEEDS/PROBLEMS/COMMENTS: Continued from 3-4-14, 4-15-14, 6-17-14 As of 7-30-14, nothing further has been filed. Note: Petitioners were formerly represented by Attorney Glenn R. Wilson; however, pursuant to substitutions filed 5-20-14, Petitioners are now self-represented. The following issues have not been addressed: 1. Need Notice of Petition to Administer Estate DE-121. 2. Need proof of service of Notice of Petition to Administer Estate on relatives listed at #8 at least 15 days prior to the hearing per Probate Code §8110. 3. Need publication pursuant to Probate Code §8120 and Local Rule 7.9. 4. On 6-5-14, Petitioners filed a bond in the amount of \$12,500.00; however, the bond is incorrect. The bond indicates that Petitioners are individually "bound unto Fresno Superior Court;" however, pursuant to Probate Code §8480, the bond should cover Petitioners in their capacity as Co- Administrators of the estate for the benefit of the estate, not the Court. Petitioners may wish to confirm appointment in this matter before obtaining bond. <u>Based on the foregoing, Petitioners may wish to research how to probate an estate at the Fresno County Law Library or seek assistance from an attorney going forward.</u>	
Cont. from 030414, 041514, 061714				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg	X		
<input type="checkbox"/>	Aff.Mail	X		
<input type="checkbox"/>	Aff.Pub.	X		
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 16		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		MATTHEW ESCALANTE , stepfather, is petitioner.		1. Need Notice of Hearing.	
		Father: MATT BURNHAM		2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
Cont. from		Mother: BILLI STUART		<ul style="list-style-type: none"> • Matt Burnham (Father) • Billi Stuart (Mother) • McKenna Stuart-Burnham (Minor) 	
<input type="checkbox"/>	Aff.Sub.Wit.				
<input checked="" type="checkbox"/>	Verified				
<input type="checkbox"/>	Inventory	Paternal grandfather: Deceased			
<input type="checkbox"/>	PTC	Paternal grandmother: Rosalie Burnham			
<input type="checkbox"/>	Not.Cred.				
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	Maternal grandfather: Cory Stuart		
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	Maternal grandmother: Tammi Gault		
<input type="checkbox"/>	Aff.Pub.			3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
<input type="checkbox"/>	Sp.Ntc.	Petitioner states: there is currently no guardian, she was living at home with petitioner and family but was removed.		<ul style="list-style-type: none"> • Rosalie Burnham (Paternal Grandmother) • Cory Stuart (Maternal Grandfather) • Tammi Gault (Maternal Grandmother) 	
<input type="checkbox"/>	Pers.Serv.	Petitioner states he would be a caring and responsible guardian.			
<input checked="" type="checkbox"/>	Conf. Screen				
<input checked="" type="checkbox"/>	Letters	Court Investigator Charlotte Bien's report filed 07/08/2014.			
<input checked="" type="checkbox"/>	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input checked="" type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting			Reviewed by: LV	
<input type="checkbox"/>	Status Rpt			Reviewed on: 08/01/2014	
<input checked="" type="checkbox"/>	UCCJEA			Updates:	
<input type="checkbox"/>	Citation			Recommendation:	
<input type="checkbox"/>	FTB Notice			File 16 – Stuart-Burnham	

17 Evelyn Duran, Ernest Duran, Evette Duran & Eveonn Duran (GUARD/P)

Case No. 14CEPR00263

Atty Duran, Paula Linda (pro per – paternal grandmother/Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Evelyn, 11	<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:
Ernest, 10	PAULA DURAN, paternal grandmother, is Petitioner.		<u>CONTINUED FROM 05/27/14</u>
Evette, 8	Father: ERNEST DURAN, SR. Mother: DOMINGA DURAN		Minute Order from 05/27/14 states: The Court finds that actual notice has been given to father. The Court dispenses with further notice to mother.
Eveonn, 4	Paternal grandfather: ALEJANDRO DURAN, SR.		As of 07/31/14, nothing further has been filed.
Cont. from 052714			Note: Per CI report, the minors may have Native American ancestry and an ICWA packet was mailed to Petitioner. It does not appear that anything has been received back as of 05/22/14.
<input type="checkbox"/> Aff.Sub.Wit.	Maternal grandparents: UNKNOWN		<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Ernest Duran, Sr. (father) – personal service required b. Dominga Duran (mother) – personal service required c. Alejandro Duran, Sr. (paternal grandfather) – service by mail ok d. Maternal grandparents (unknown) – service by mail ok e. Siblings 12 years of age and older – service by mail ok
<input checked="" type="checkbox"/> Verified	Petitioner states that the father is incarcerated and the mother's whereabouts are unknown. The father's girlfriend, who the children were living with after their father's arrest, was deemed by CPS to be unfit to care for the children.		
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg	x		
<input type="checkbox"/> Aff.Mail	x		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.	x		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: JF
			Reviewed on: 07/31/14
			Updates:
			Recommendation:
			File 17 - Duran

18 Miguel Banda, III, Benjamin Rolando Banda, Case No. 14CEPR00220
Mylie Destiny Banda, and Alymay Elvira Salazar (GUARD/P)

Atty Silva, Joseph (Pro Per – Maternal Grandfather - Petitioner)
Atty Garcia, Rosemary (Pro Per – Maternal Grandmother - Petitioner)
Petition for Appointment of Guardian of the Person

		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		JOSEPH SILVA and ROSEMARY GARCIA,	
		Maternal Grandparents, are Petitioners.	
Cont from 061714		Father: MIGUEL BANDA, JR.	
	Aff.Sub.Wit.	- Served by mail 4-14-14	
✓	Verified	- Personally served 6-30-14	
	Inventory		
	PTC	Mother: JESSICA SALAZAR	
	Not.Cred.	- Nominates Petitioners as guardians	
✓	Notice of Hrg	- Personally served 4-14-14	
		- Present at hearing 6-17-14	
✓	Aff.Mail	Paternal Grandfather: Miguel Banda, Sr.	
	Aff.Pub.	- Served by mail 4-14-14	
	Sp.Ntc.	Paternal Grandmother: Anita Nino	
✓	Pers.Serv.	- Served by mail 4-14-14	
✓	Conf. Screen	Petitioners state the children were removed from the mother's care by CPS on 3-18-14 and placed in Petitioners' custody.	
✓	Letters		
✓	Duties/Supp		
	Objections	Court Investigator Jennifer Daniel filed a report on 6-10-14.	
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 8-1-14
			Updates:
			Recommendation:
			File

	TEMP EXPIRES 8-5-14	NEEDS/PROBLEMS/COMMENTS:	
	VALERIE and KIETH FIELDS , Maternal Grandmother and Step-Grandfather, are Petitioners.	<ol style="list-style-type: none"> Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Ernesto Alonso Olivas (Father) (Proof of service indicates notice for the father was left at his mother's address. However, the Probate Code requires personal service.) Need notice to paternal grandfather and maternal grandfather per Probate Code §1511 or declarations of due diligence regarding these relatives. 	
	Father: ERNESTO ALONSO OLIVAS - Service left at paternal grandmother's house		
	Mother: MELLISSA BOYDSTON - Personally served 6-7-14 - Appeared at hearing on 6-18-14		
	Paternal Grandfather: Unknown Paternal Grandmother: Marie Olivas - Personally served 6-5-14		
	Maternal Grandfather: Unknown		
	Petitioners state the mother has a medical condition and is unable to care for the children. Petitioners have fully cared for them for over two years. Petitioners refer to letters from family stating why guardianship is necessary. Petitioners request the Court excuse notice to the father because he has spent a good portion of the children's lives in prison. Petitioners attempted to facilitate a relationship between the father and the children by allowing supervised visits, but he was not interested. There has been no contact since April 2014. Petitioners have contact with his mother and request to be allowed to leave his notice with her.		
	Court Investigator Jennifer Young filed a report on 7-23-14.		
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		x
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.		x
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: skc Reviewed on: 8-1-14 Updates: Recommendation: File 19 – Olivas	

			GENERAL HEARING 9-24-14	NEEDS/PROBLEMS/COMMENTS:
			SABRINA ANNE GARCIA , Sister, is Petitioner.	1. Need Notice of Hearing and proof of personal service of Notice of Hearing with a copy of the temp petition at least five (5) Court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Freddie Dominguez (Father) - Sandra Dominguez (Mother) 2. The UCCJEA (Form GC-120) is incomplete. Need minor's residence history for the past five (5) years.
			Father: FREDDIE DOMINGUEZ Mother: SANDRA DOMINGUEZ	
	Aff.Sub.Wit.		Paternal Grandfather: Not listed Paternal Grandmother: Not listed Maternal Grandfather: Not listed Maternal Grandmother: Not listed	
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	x	Petitioner states he has had her sister in her home for a year because their mother lost her job and her house and is homeless. The mother has threatened to take the minor to live on the streets. Petitioner states she has a job and a house and her sister is doing well in her home.	
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	x		
✓	Conf. Screen		The minor Alyssa Dominguez consents and waives notice.	
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA	x		
	Citation			
	FTB Notice			
				Reviewed by: skc
				Reviewed on: 8-4-14
				Updates:
				Recommendation:
				File 20 – Dominguez

Atty Dornay, Val J., sole practitioner (for Petitioner Alma Ramos, Administrator)

(1) Petition for Final Distribution on Waiver of Accounting and (2) Allowing Statutory Attorneys Fees

DOD: 4/11/2011	ALMA RAMOS , daughter and Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
Cont. from	I & A — \$435,000.00	
Aff.Sub.Wit.	POH — \$435,000.00 (no cash)	
✓ Verified		
✓ Inventory	Administrator — waives	
✓ PTC	Attorney — \$6,000.00	
✓ Not.Cred.	(less than statutory of \$11,700.00; to be paid by Petitioner outside probate;)	
✓ Notice of Hrg		
✓ Aff.Mail	W/O	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters	011714	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
✓ 9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
✓ FTB Notice		
		Reviewed by: LEG
		Reviewed on: 8/1/14
		Updates:
		Recommendation: SUBMITTED
		File 21 – Ramos

1A The Cenci Family Trust (Trust)**Case No. 10CEPR00244****Atty Denning, Stephen M. (for Richard G. Cenci – Petitioner)****Atty Sullivan, Robert L (for Bruce D. Bickel – Trustee)****Atty Tekunoff, Daniel J. (for Maike Cenci, Spouse of Respondent Herman Cenci)****Atty Motsenbocker, Gary L (for Terese Cenci McGee)****Amended Petition to Enforce Judgment Against Trust Beneficiaries
[Prob. C. 17000, et seq.]**

		NEEDS/PROBLEMS/COMMENTS: Note: This petition was filed 8-19-13 by Richard Cenci. Note: Examiner Notes are not provided for this matter. however, the following history is noted: Minute Order 12-5-13 (Status Hearing): Mr. Denning advises the Court that he has an outline for a potential settlement. Mr. Sullivan informs the Court that the checks have all gone out and receipts have been returned. Matter set for Settlement Conference/Status Hearing on 1/17/14. If no settlement has been reached in the interim, counsel is to submit their settlement conference statements one week before the next hearing. All matters currently set 1/16/14 are vacated and rescheduled for 1/17/14. Set on 1/17/14 at 10:30am in Dept. 303 for Settlement Conference/Status Hearing. Minute Order 1-17-14 (Status Hearing): The Court orders that the accounting be filed by no later than 2/18/14. Any objections thereto are to be filed by 3/4/14. Counsel are directed to file settlement conference statements along with courtesy copies for the court one week before the hearing. Continued to 3/11/14. Minute Order 3-11-14: Continued to 4-23-14. Minute Order 4-23-14: Continued to 6-4-14. Minute Order 6-4-14: Continued to 6-24-14 Minute Order 6-24-14: Continued to 8-5-14 Note: First and Final Account and Report of Trustee of the Cenci Family (Bypass) Trust filed 2-18-14 by Richard Cenci was originally heard on 4-2-14 and continued to 4-29-14. Objections have been filed by Terese Cence McGee and Herman F. Cenci; however, on 4-23-14, the matter was taken off calendar. Additional documents have recently been filed in connection with this petition; however, it is not presently before the Court. Page 1C is Settlement Conference/Status Hearing
Cont. from 090913, 102913, 011714, 031114, 042314, 060414, 062414		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

1A**Dept. 303, 9:00 a.m. Tuesday, August 5, 2014**

1B The Cenci Family Trust (Trust)**Case No. 10CEPR00244****Atty Motsenbocker, Gary L (for Terese Cenci McGee – Petitioner)****Atty Denning, Stephen M. (for Richard G. Cenci – Objector)****Petition Requesting Accounting by Trustee of the Cenci Bypass Trust [Prob. C. 16060, 16061, 16062; Evid. C. 452 & 453]**

		TERES CENCI MCGEE is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner requests that RICHARD G. CENCI , Trustee Of the CENCI FAMILY BYPASS TRUST , render an account of his acts and actions of said trust. Petitioner states:	
Cont. from 102913, 011714, 031114, 042314, 060414, 062414		1. She is the daughter of the Settllors Herman R. Cenci and Esther C. Cenci and is therefore an interested person.	<u>Continued from 10-29-13, 1-17-14, 3-11-14, 4-23-14, 6-4-14</u> <u>Minute Order 12-5-13 (Status Hearing):</u> Mr. Denning advises the Court that he has an outline for a potential settlement. Mr. Sullivan informs the Court that the checks have all gone out and receipts have been returned. Matter set for Settlement Conference/Status Hearing on 1/17/14. If no settlement has been reached in the interim, counsel is to submit their settlement conference statements one week before the next hearing. All matters currently set 1/16/14 are vacated and rescheduled for 1/17/14. Set on 1/17/14 at 10:30am in Dept. 303 for Settlement Conference/Status Hearing. <i>Page 1C is Settlement Conference/Status Hearing</i>
<input type="checkbox"/>	Aff.Sub.Wit.	2. Richard Cenci, Successor Trustee of the Cenci Family Bypass Trust, has served in that capacity since fall 2010 and has not rendered an account and report in the intervening three years.	
<input type="checkbox"/>	Verified	3. Petitioner requests the Court take judicial notice of all pleadings and proceedings contained in the court record, including but not limited to the multiple and various copies of the Trustors' initial trust and the amendments thereto pursuant to Eid. C. §452.	
<input type="checkbox"/>	Inventory	4. In accord with the provisions of the first amendment to the trust dated 2-18-04, Petitioner requested an account in writing, which was hand delivered to the trustee's attorney on or about 5-8-13. To date, Petitioner has not received acknowledgment of the request or the mandated account in response. Petitioner is entitled to and the trustee is duty bound to render an accounting within 90 days of receipt of written request. As of the filing of this petition, the trustee has refused to render account or respond.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Petitioner request that the Court order that:	
		1. Richard G. Cenci be ordered to render an accounting within 90 days of this hearing;	Reviewed by: skc
		2. For such attorney fees allowed under the law;	Reviewed on: 8-1-14
		3. For costs of suit incurred herein; and	Updates:
		4. For all other proper relief the Court deems proper under the circumstances.	Recommendation:
		Richard G. Cenci filed his Opposition on 10-24-13. See additional pages.	File 1B – Cenci

Richard G. Cenci states the petition should be denied for the following reasons:

- 1. Petitioner is not a beneficiary to whom income or principal is required or authorized to be currently distributed, and Respondent is not required to account to her. Probate Code §16062.**
- 2. Petitioner did not bring her petition pursuant to §17200(b)(7). *Esslinger v. Cummins, supra*, at page 526.**
- 3. Because Petitioner owes the family trust more than she would reasonably be expected to receive on distribution from it, Petitioner has no relevant interest in the family trust.**
- 4. The probate court has discretion to grant or deny a petition for an order compelling a trustee to account. Because Petitioner committed elder financial abuse and breached her fiduciary duty to her mother that resulted in a significant loss to her, Petitioner has no right to an accounting of the family trust, and because of her actions has no interest in the family trust to protect.**

See Opposition for details.

Note: First and Final Account and Report of Trustee of the Cenci Family (Bypass) Trust filed 2-18-14 by Richard Cenci was originally heard on 4-2-14 and continued to 4-29-14. Objections have been filed by Terese Cence McGee and Herman F. Cenci; however, on 4-23-14, the matter was taken off calendar. Additional documents have recently been filed in connection with this petition; however, it is not presently before the Court.

1C The Cenci Family Trust (Trust)

Case No. 10CEPR00244

Atty Denning, Stephen M. (for Richard G. Cenci – Petitioner)
 Atty Sullivan, Robert L (for Bruce D. Bickel – Trustee)
 Atty Tekunoff, Daniel J. (for Maike Cenci, Spouse of Respondent Herman Cenci)
 Atty Motsenbocker, Gary L (for Terese Cenci McGee)

Status Hearing

		Settlement Conference was held on 6-4-14.	NEEDS/PROBLEMS/COMMENTS:
		Minute Order 6-4-14: Parties engage in settlement discussions with the Court. Matter not settled. Counsel is directed to submit a list/statement regarding the issues that remain outstanding. Set on 6-24-14 for Status Hearing.	<p>Note: The Court made other orders at prior settlement conferences regarding items to be filed. See Page 2 for minute order history.</p> <p>Note: In addition to the matters on calendar at Pages A and B, it appears the following matters also remain pending:</p> <ul style="list-style-type: none"> - Richard Cenci's First and Final Account and Petition for Instructions Regarding Distribution, filed 2-18-14, was set for settlement conference and later taken off calendar. However, it appears that this matter was not settled, and additional documents are still being filed with regard to this petition. Although it is not technically on calendar, this petition is still pending. - Bruce Bickel's First and Final Account and Petition for Instructions Regarding Final Distribution filed 7-24-13 was granted <i>in part</i> on 10-29-13, limited to Mr. Bickel's work only. Therefore, it appears the Petition for Instructions portion of this petition remains pending at this point.
Cont. from 062414			
Aff.Sub.Wit.		See Joint Status Report filed 6-23-14.	
Verified			
Inventory		Minute Order 6-24-14 (Status Hearing): Motions and petition for removal to be filed by 7-18-14. Ms. Johnson is directed to prepare an order consistent with the Court's directives. Continued to 8-5-14 at 10:00 am. Set on 10-21-14 for Court Trial.	
PTC			
Not.Cred.		Note: Order After Hearing was signed 7-10-14.	
Notice of Hrg			
Aff.Mail		Note: New petitions have been filed by both Terese Cenci McGee and Richard Cenci. Both are set for 9-8-14 at 9:00 am.	
Aff.Pub.			
Sp.Ntc.		Reviewed by: skc	Reviewed on: 8-1-14
Pers.Serv.			
Conf. Screen		Updates:	
Letters		Recommendation:	
Duties/Supp		File 1C – Cenci	
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

1C

Page 2 – Note re minute order history.**Minute Order 12-5-13:**

(Status Re: Amended Petition to Enforce Judgment Against Trust Beneficiaries and Status Re: Petition Requesting Accounting by Trustee of the Cenci Bypass Trust): Mr. Denning advises the Court that he has an outline for a potential settlement. Mr. Sullivan informs the Court that the checks have all gone out and receipts have been returned. Matter set for Settlement Conference/Status Hearing on 1/17/14. If no settlement has been reached in the interim, counsel is to submit their settlement conference statements one week before the next hearing. All matters currently set 1/16/14 are vacated and rescheduled for 1/17/14. Set on 1/17/14 at 10:30am in Dept. 303 for Settlement Conference/Status Hearing.

Minute Order 1-17-14 (Status Hearing): The Court orders that the accounting be filed by no later than 2/18/14. Any objections thereto are to be filed by 3/4/14. Counsel are directed to file settlement conference statements along with courtesy copies for the court one week before the hearing. Continued to 3/11/14.

Minute Order 3-11-14: Mr. Sullivan is directed to gather all the pleadings regarding the spendthrift provision and submit them to the court with chambers copies. Continued to 4-23-14; Oral arguments based on documents filed set on 4-29-14.

Minute Order 4-23-14: The matter set for 4-29-14 [see below] is taken off calendar and may be set again if needed. Attorneys are to speak to clients about the different issues and be reasonable about the issues at hand. Status reports are due one week prior to the settlement conference. Continued to 6-4-14.

Note: First and Final Account and Report of Trustee of the Cenci Family (Bypass) Trust filed 2-18-14 by Richard Cenci was originally heard on 4-2-14 and continued to 4-29-14. Objections have been filed by Terese Cence McGee and Herman F. Cenci; however, on 4-23-14, the matter was taken off calendar per the minute order of 4-23-14 above.

Minute Order 6-24-14 (Status Hearing): Motions and petition for removal to be filed by 7-18-14. Ms. Johnson is directed to prepare an order consistent with the Court's directives.

Continued to 8-5-14 at 10:00 am in Dept. 303

Set on 10-21-14 for Court Trial

Note: Order After Hearing was signed 7-10-14.

Note: On 7-16-14, Terese Cenci McGee filed Petition for Removal of Trustee of the Cenci Family (Bypass) Trust Created under the Cenci Family Trust of 1992; to Appoint a Successor Trustee; to Appoint a Temporary Trustee; For Breach of Trust and Fiduciary Duty; To Compel Redress of Trust by Payment of Money Distributed or Disbursed by Trustee, Plus Interest; And Surcharge of Trustee for Imposition of Costs and Expenses Incurred Imprudently or in Breach of Trust.

This matter has been set for hearing on 9-8-14 at 9:00 a.m.

Note: On 7-21-14, Richard Cenci filed the following:

- Notice of Motion and Motion for Assignment Order (set for hearing 9-8-14) with Declaration in Support and Memorandum in Support
- Response of Petitioner to Trustee's Reply to Petitioner's Petition for Instructions Regarding Final Distribution of the Trust Estate
- Statement of Filing Notice of Lien
- Response to Objections of Terese Ann Cenci McGee to First and Final Account and Report of Trustee of the Cenci Family (Bypass) Trust
- Response to Objections of Herman F. Cenci to First and Final Account and Report of Trustee of the Cenci Family (Bypass) Trust

Note: On 7-31-14, Bruce Bickel filed the following:

- Reply to Response to Objections of Terese Ann Cenci McGee to First and Final Account and Report of Trustee of the Cenci Family (Bypass) Trust
- Reply to Response to Objections of Herman F. Cenci to First and Final Account and Report of Trustee of the Cenci Family (Bypass) Trust